HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri H.L. Dattu, C.J.

W.P. No.926 of 2003

Petitioner Ahibaran, aged about 42 years, s/o Shri Sukhai Ram, Sarpanch, Gram Panchayat Asandih, Tehsil Wadraf Nagar, District Sarguja (CG)

versus

Respondents

1. The State of Chhattisgarh, through the Secretary, Department of Panchayat, D.K.S. Building, Raipur
2. The Sub Divisional Officer (R), Wadraf Nagar, Distt. Sarguja (CG)
3. The Collector, Ambikapur, District Sarguja (CG)
4. Shri Manik Chandra Gujar, S/o Sampat Ram, Resident of Village Asandih, Tehsil Wadraf Nagar, District Sarguja (CG)

Present : Shri Anup Majumdar, counsel for the petitioner.
Shri Sumesh Bajaj, Government Advocate for the State.

ORAL ORDER

(Passed on 20th March, 2007)

What is questioned by the petitioner in this writ petition is the order passed by the Collector in exercise of his power under Section 91 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993.

(2) Inasmuch as the petitioner has a right to appeal against the impugned order under the provisions of the Chhattisgarh Panchayats (Appeal and Revision) Rules, 1995 before the Director, Panchayat. Without exhausting that remedy, the petitioner could not have approached this Court under Article 227 of the Constitution of India.

(3) In that view of the matter, the writ petition is disposed of. However, liberty is reserved to the petitioner to file an appeal, if he so desires, questioning the impugned order before the appropriate forum within a month's time from today. If such an appeal is filed within the time granted by this

Court, the appellate authority shall decide the same on its own merits without reference to the period of limitation. All the contentions raised by the parties are left open. Ordered accordingly.

Sd/-
Chief Justice